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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5245

12 **CITY CENTER PHARMACY INC.**  
13 **1270 E. Leland Rd. #102**  
14 **Pittsburg, CA 94565**  
**Original Pharmacy Permit No. PHY 48981**

**A C C U S A T I O N**

15 **SAIFUDDIN HATIM RANIWALA**  
16 **CEO of CITY CENTER PHARMACY INC.**

17 and

18 **STEVE LEE BOSS**  
19 **3377 Deer Valley Rd. 153**  
**Antioch, CA 94531**  
20 **Pharmacist License No. RPH 50059**

21 Respondents.

22 Complainant alleges:

23 **PARTIES**

24 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
25 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

26 2. On or about April 11, 2008, the Board of Pharmacy issued Original Pharmacy Permit  
27 Number PHY (Pharmacy License) 48981 to City Center Pharmacy Inc. (Respondent City Center  
28 Pharmacy Inc.), which has Saifuddin Hatim Raniwala (Respondent Saifuddin Hatim Raniwala) as

1 Chief Executive Officer and Steve Lee Boss (Respondent Steve Lee Boss) as Treasurer / Chief  
2 Financial Officer. The Pharmacy License was in full force and effect at all times relevant to the  
3 charges brought in this Accusation and will expire on April 1, 2016, unless renewed.

4 3. On or about March 27, 1998, the Board of Pharmacy issued Pharmacist License  
5 Number RPH50059 (Pharmacist License) to Respondent Steve Lee Boss. The Pharmacist  
6 License was in full force and effect at all times relevant to the charges brought in this Accusation  
7 and will expire on May 31, 2017, unless renewed.

#### 8 JURISDICTION

9 4. This Accusation is brought before the Board of Pharmacy (Board), Department of  
10 Consumer Affairs, under the authority of the following laws. All section references are to the  
11 Business and Professions Code unless otherwise indicated.

12 5. Section 4300 of the Code states:

13 (a) Every license issued may be suspended or revoked.

14 (b) The board shall discipline the holder of any license issued by the board,  
15 whose default has been entered or whose case has been heard by the board and  
found guilty, by any of the following methods:

16 (1) Suspending judgment.

17 (2) Placing him or her upon probation.

18 (3) Suspending his or her right to practice for a period not exceeding one  
19 year.

20 (4) Revoking his or her license.

21 (5) Taking any other action in relation to disciplining him or her as the board  
in its discretion may deem proper.

22 (c) The board may refuse a license to any applicant guilty of unprofessional  
23 conduct. The board may, in its sole discretion, issue a probationary license to any  
24 applicant for a license who is guilty of unprofessional conduct and who has met all  
25 other requirements for licensure. The board may issue the license subject to any  
26 terms or conditions not contrary to public policy, including, but not limited to, the  
27 following:

28 (1) Medical or psychiatric evaluation.

(2) Continuing medical or psychiatric treatment.

(3) Restriction of type or circumstances of practice.

1 (4) Continuing participation in a board-approved rehabilitation program.

2 (5) Abstention from the use of alcohol or drugs.

3 (6) Random fluid testing for alcohol or drugs.

4 (7) Compliance with laws and regulations governing the practice of  
5 pharmacy.

6 (d) The board may initiate disciplinary proceedings to revoke or suspend any  
7 probationary certificate of licensure for any violation of the terms and conditions of  
8 probation. Upon satisfactory completion of probation, the board shall convert the  
9 probationary certificate to a regular certificate, free of conditions.

10 (e) The proceedings under this article shall be conducted in accordance with  
11 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
12 Government Code, and the board shall have all the powers granted therein. The  
13 action shall be final, except that the propriety of the action is subject to review by  
14 the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

15 6. Section 4301 of the Code states:

16 The board shall take action against any holder of a license who is guilty of  
17 unprofessional conduct or whose license has been procured by fraud or  
18 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
19 not limited to, any of the following:

20 . . .

21 (d) The clearly excessive furnishing of controlled substances in violation of  
22 subdivision (a) of Section 11153 of the Health and Safety Code.

23 . . .

24 (g) Knowingly making or signing any certificate or other document that  
25 falsely represents the existence or nonexistence of a state of facts.

26 . . .

27 (j) The violation of any of the statutes of this state, or any other state, or of  
28 the United States regulating controlled substances and dangerous drugs.

. . .

(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
abetting the violation of or conspiring to violate any provision or term of this  
chapter or of the applicable federal and state laws and regulations governing  
pharmacy, including regulations established by the board or by any other state or  
federal regulatory agency.

. . .

7. Section 4306.5 of the Code states:

Unprofessional conduct for a pharmacist may include any of the following:

1 (a) Acts or omissions that involve, in whole or in part, the inappropriate  
2 exercise of his or her education, training, or experience as a pharmacist, whether or  
3 not the act or omission arises in the course of the practice of pharmacy or the  
ownership, management, administration, or operation of a pharmacy or other entity  
licensed by the board.

4 (b) Acts or omissions that involve, in whole or in part, the failure to exercise  
5 or implement his or her best professional judgment or corresponding responsibility  
6 with regard to the dispensing or furnishing of controlled substances, dangerous  
drugs, or dangerous devices, or with regard to the provision of services.

7 (c) Acts or omissions that involve, in whole or in part, the failure to consult  
8 appropriate patient, prescription, and other records pertaining to the performance of  
any pharmacy function.

9 (d) Acts or omissions that involve, in whole or in part, the failure to fully  
10 maintain and retain appropriate patient-specific information pertaining to the  
performance of any pharmacy function.

11 8. Section 4307 of the Code states:

12 (a) Any person who has been denied a license or whose license has been  
13 revoked or is under suspension, or who has failed to renew his or her license while  
14 it was under suspension, or who has been a manager, administrator, owner,  
15 member, officer, director, associate, or partner of any partnership, corporation, firm,  
16 or association whose application for a license has been denied or revoked, is under  
17 suspension or has been placed on probation, and while acting as the manager,  
administrator, owner, member, officer, director, associate, or partner had  
knowledge of or knowingly participated in any conduct for which the license was  
denied, revoked, suspended, or placed on probation, shall be prohibited from  
serving as a manager, administrator, owner, member, officer, director, associate, or  
partner of a licensee as follows:

18 (1) Where a probationary license is issued or where an existing license is  
19 placed on probation, this prohibition shall remain in effect for a period not to  
exceed five years.

20 (2) Where the license is denied or revoked, the prohibition shall continue  
until the license is issued or reinstated.

21 (b) "Manager, administrator, owner, member, officer, director, associate, or  
22 partner," as used in this section and Section 4308, may refer to a pharmacist or to  
any other person who serves in that capacity in or for a licensee.

23 (c) The provisions of subdivision (a) may be alleged in any pleading filed  
24 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of  
the Government Code. However, no order may be issued in that case except as to a  
25 person who is named in the caption, as to whom the pleading alleges the  
applicability of this section, and where the person has been given notice of the  
26 proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of  
Division 3 of the Government Code. The authority to proceed as provided by this  
27 subdivision shall be in addition to the board's authority to proceed under Section  
4339 or any other provision of law.

28 ///

1       9.     Section 4043 of the Code states:

2               "Wholesaler" means and includes a person who acts as a wholesale merchant,  
3       broker, jobber, customs broker, reverse distributor, agent, or a nonresident  
4       wholesaler, who sells for resale, or negotiates for distribution, or takes possession  
5       of, any drug or device included in Section 4022. Unless otherwise authorized by  
6       law, a wholesaler may not store, warehouse, or authorize the storage or  
7       warehousing of drugs with any person or at any location not licensed by the board.

8       10.    Section 4081 of the Code states:

9               (a) All records of manufacture and of sale, acquisition, or disposition of  
10       dangerous drugs or dangerous devices shall be at all times during business hours  
11       open to inspection by authorized officers of the law, and shall be preserved for at  
12       least three years from the date of making. A current inventory shall be kept by  
13       every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer,  
14       physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or  
15       establishment holding a currently valid and unrevoked certificate, license, permit,  
16       registration, or exemption under Division 2 (commencing with Section 1200) of the  
17       Health and Safety Code or under Part 4 (commencing with Section 16000) of  
18       Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous  
19       drugs or dangerous devices.

20              (b) The owner, officer, and partner of any pharmacy, wholesaler, or  
21       veterinary food-animal drug retailer shall be jointly responsible, with the  
22       pharmacist-in-charge or representative-in-charge, for maintaining the records and  
23       inventory described in this section.

24              (c) The pharmacist-in-charge or representative-in-charge shall not be  
25       criminally responsible for acts of the owner, officer, partner, or employee that  
26       violate this section and of which the pharmacist-in-charge or representative-in-  
27       charge had no knowledge, or in which he or she did not knowingly participate.

28       11.    Section 4105 of the Code states:

              (a) All records or other documentation of the acquisition and disposition of  
dangerous drugs and dangerous devices by any entity licensed by the board shall be  
retained on the licensed premises in a readily retrievable form.

              (b) The licensee may remove the original records or documentation from the  
licensed premises on a temporary basis for license-related purposes. However, a  
duplicate set of those records or other documentation shall be retained on the  
licensed premises.

              (c) The records required by this section shall be retained on the licensed  
premises for a period of three years from the date of making.

              (d) Any records that are maintained electronically shall be maintained so that  
the pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not  
on duty, or, in the case of a veterinary food-animal drug retailer or wholesaler, the  
designated representative on duty, shall, at all times during which the licensed  
premises are open for business, be able to produce a hard copy and electronic copy  
of all records of acquisition or disposition or other drug or dispensing-related  
records maintained electronically.

(e)(1) Notwithstanding subdivisions (a), (b), and (c), the board, may upon written request, grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b), and (c) be kept on the licensed premises.

(2) A waiver granted pursuant to this subdivision shall not affect the board's authority under this section or any other provision of this chapter.

12. Section 4160 of the Code states:

(a) A person may not act as a wholesaler of any dangerous drug or dangerous device unless he or she has obtained a license from the board.

(b) Upon approval by the board and the payment of the required fee, the board shall issue a license to the applicant.

(c) A separate license shall be required for each place of business owned or operated by a wholesaler. Each license shall be renewed annually and shall not be transferable.

(d) The board shall not issue or renew a wholesaler license until the wholesaler identifies a designated representative-in-charge and notifies the board in writing of the identity and license number of that designated representative. The designated representative-in-charge shall be responsible for the wholesaler's compliance with state and federal laws governing wholesalers. A wholesaler shall identify and notify the board of a new designated representative-in-charge within 30 days of the date that the prior designated representative-in-charge ceases to be the designated representative-in-charge. A pharmacist may be identified as the designated representative-in-charge.

(e) A drug manufacturer licensed by the Food and Drug Administration or pursuant to Section 111615 of the Health and Safety Code that only ships dangerous drugs or dangerous devices of its own manufacture is exempt from this section and Section 4161.

(f) The board may issue a temporary license, upon conditions and for periods of time as the board determines to be in the public interest. A temporary license fee shall be fixed by the board at an amount not to exceed the annual fee for renewal of a license to conduct business as a wholesaler.

13. Section 4332 of the Code states:

Any person who fails, neglects, or refuses to maintain the records required by Section 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or refuses to produce or provide the records within a reasonable time, or who willfully produces or furnishes records that are false, is guilty of a misdemeanor.

14. Section 11153 of the Health and Safety Code states:

(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of

1 professional treatment or in legitimate and authorized research; or (2) an order for  
2 an addict or habitual user of controlled substances, which is issued not in the course  
3 of professional treatment or as part of an authorized narcotic treatment program, for  
the purpose of providing the user with controlled substances, sufficient to keep him  
or her comfortable by maintaining customary use.

4 (b) Any person who knowingly violates this section shall be punished by  
5 imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a  
6 county jail not exceeding one year, or by a fine not exceeding twenty thousand  
dollars (\$20,000), or by both that fine and imprisonment.

7 (c) No provision of the amendments to this section enacted during the second  
8 year of the 1981-82 Regular Session shall be construed as expanding the scope of  
practice of a pharmacist.

9 15. Subdivision (d) of section 11165 of the Health and Safety Code states:

10 For each prescription for a Schedule II, Schedule III, or Schedule IV  
11 controlled substance, as defined in the controlled substances schedules in federal  
12 law and regulations, specifically Sections 1308.12, 1308.13, and 1308.14,  
13 respectively, of Title 21 of the Code of Federal Regulations, the dispensing  
pharmacy, clinic, or other dispenser shall report the following information to the  
Department of Justice as soon as reasonably possible, but not more than seven days  
after the date a controlled substance is dispensed, in a format specified by the  
Department of Justice:

14 (1) Full name, address, and, if available, telephone number of the ultimate  
15 user or research subject, or contact information as determined by the Secretary of  
the United States Department of Health and Human Services, and the gender, and  
date of birth of the ultimate user.

16 (2) The prescriber's category of licensure, license number, national provider  
17 identifier (NPI) number, if applicable, the federal controlled substance registration  
18 number, and the state medical license number of any prescriber using the federal  
controlled substance registration number of a government-exempt facility.

19 (3) Pharmacy prescription number, license number, NPI number, and federal  
20 controlled substance registration number.

21 (4) National Drug Code (NDC) number of the controlled substance  
dispensed.

22 (5) Quantity of the controlled substance dispensed.

23 (6) International Statistical Classification of Diseases, 9<sup>th</sup> revision (ICD-9) or  
24 10th revision (ICD-10) Code, if available.

25 (7) Number of refills ordered.

26 (8) Whether the drug was dispensed as a refill of a prescription or as a first-  
time request.

27 (9) Date of origin of the prescription.

28 (10) Date of dispensing of the prescription.

1 16. California Code of Regulations, title 16, section 1707.2, in pertinent part, states:

2 (a) A pharmacist shall provide oral consultation to his or her patient or the  
3 patient's agent in all care settings:

4 (1) upon request; or

5 (2) whenever the pharmacist deems it warranted in the exercise of his or her  
6 professional judgment.

7 (b)(1) In addition to the obligation to consult set forth in subsection (a), a  
8 pharmacist shall provide oral consultation to his or her patient or the patient's agent  
9 in any care setting in which the patient or agent is present:

10 (A) whenever the prescription drug has not previously been dispensed to a  
11 patient; or

12 . . . .

13 17. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licentiate found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

#### 17 DRUGS

18 18. Hydrocodone/APAP is a narcotic substance (hydrocodone) and a non-narcotic  
19 substance (acetaminophen abbreviated as APAP) and was scheduled III controlled substance  
20 pursuant to Health and Safety code section 11056(e)(3) and a dangerous drug pursuant to  
21 Business and Professions Code section 4022 at all times relevant to the charges brought in this  
22 Accusation.

23 19. Promethazine with codeine is a scheduled V controlled substance pursuant to Health  
24 and Safety code section 11058(c)(1) and a dangerous drug pursuant to Business and Professions  
25 Code section 4022.

26 20. Methadone is scheduled II controlled substance pursuant to Health and Safety code  
27 section 11055(c)(14) and a dangerous drug pursuant to Business and Professions Code section  
28 4022.

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21. Oxycodone is scheduled II controlled substance pursuant to Health and Safety code section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions Code section 4022.

## FIRST CAUSE FOR DISCIPLINE

(Failure to Exercise Corresponding Responsibility when Dispensing Controlled Substances)

22. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City Center Pharmacy Inc. failed to comply with Health and Safety Code section 11153 which places a responsibility for the proper prescribing and dispensing of controlled substances not only upon the prescribing practitioner, but also upon the pharmacy that fills the prescription. Respondent City Center Pharmacy Inc. failed to comply with its corresponding responsibility. The circumstances are as follows:

23. Beginning on or about October 10, 2010, and continuing until about October 11, 2013, Respondent City Center Pharmacy Inc. dispensed 669 controlled substance prescriptions for Dr. Leong and 151 prescriptions for Dr. Manougian in cash, many of which were for patients outside of Respondent City Center Pharmacy Inc.'s normal service area without verifying if they were issued for a legitimate medication purpose and failed to use industry tools, such as the CURES Prescription Drug Monitoring Program to verify early/duplicate dispensing for patients who were "doctor shopping" and/or "pharmacy shopping."

## SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Excessive Furnishing of Controlled Substances)

24. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to disciplinary action under Code section 4301, subdivision (d) in that Respondent City Center Pharmacy Inc. excessively furnished controlled substances. The circumstances are as follows:

25. Beginning on or about October 10, 2010, and continuing until about October 11, 2013, Respondent City Center Pharmacy Inc. dispensed 4,492 prescriptions for hydrocodone/APAP 10/325 mg totaling 505,875 tablets; 2,075 prescriptions of promethazine

1 with codeine totaling 762,955 mls; 2,197 prescriptions for methadone totaling 440,677 tablets;  
2 and 1,017 oxycodone 30 mg prescriptions totaling 182,066 tablets.

### 3 THIRD CAUSE FOR DISCIPLINE

4 (Records of Drug Acquisition and Disposition)

5 26. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
6 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
7 Center Pharmacy Inc. failed to comply with Code section 4081, subdivision (a), and Code section  
8 4105 which require a pharmacy to account for the records of acquisition and disposition on the  
9 current inventory of dangerous drugs. The circumstances are as follows:

10 27. On or about October 11, 2013, a Board audit revealed that Respondent City Center  
11 Pharmacy Inc. had a shortage of 5,238 tablets of hydrocodone/APAP 10/325 mg; 77,270 mls of  
12 promethazine with codeine; and 3,435 tablets of methadone 10 mg; and an overage of 618 tablets  
13 of oxycodone 30 mg tablets.

### 14 FOURTH CAUSE FOR DISCIPLINE

15 (CURES Reporting)

16 28. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
17 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
18 Center Pharmacy Inc. failed to comply with Health and Safety Code section 11165, subdivision  
19 (d) which requires pharmacies to report prescription information for controlled substances to  
20 California Department of Justice CURES Program within 7 days of dispensing. The  
21 circumstances are as follows:

22 29. On or about October 11, 2013, a Board inspector found that Respondent City Center  
23 Pharmacy Inc. had failed to report 17 prescriptions for controlled substances which were not  
24 reported to CURES, and a review of CURES compliance reports from January 1, 2010, to  
25 September 19, 2013, showed the pharmacy failed to successfully transmit their dispensed  
26 controlled substance prescriptions data to CURES weekly resulting in multiple occasions when  
27 controlled substances prescription information was not reported in a timely manner.

28

1 FIFTH CAUSE FOR DISCIPLINE

2 (Records of Acquisition of Dangerous Drugs)

3 30. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
4 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
5 Center Pharmacy Inc. failed to comply with Code section 4081, subdivision (a), which states all  
6 records of manufacture and of sales, acquisition, or disposition of dangerous drugs shall be at all  
7 times open to inspection and a current inventory shall be kept by every pharmacy that maintains a  
8 stock of dangerous drugs. The circumstances are as follows:

9 31. On or about October 11, 2013, a Board inspector found several boxes at Respondent  
10 City Center Pharmacy Inc. filled with unlabeled dangerous drugs in plastic bags, vials from other  
11 pharmacies, and in bubble packs which had been acquired for destruction from patients and care  
12 facilities the pharmacy serviced. Respondent City Center Pharmacy Inc. did not have records of  
13 acquisition for these drugs.

14 SIXTH CAUSE FOR DISCIPLINE

15 (Wholesale License Required)

16 32. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
17 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
18 Center Pharmacy Inc. failed to comply with Code section 4160, subdivision (a) when it engaged  
19 in wholesale activity without a wholesaler license. The circumstances are as follows:

20 33. On or about October 11, 2013 a Board inspector found several boxes at Respondent  
21 City Center Pharmacy Inc. filled with unlabeled dangerous drugs in plastic bags, vials from other  
22 pharmacies, and in bubble packs which had been acquired for destruction from patients and care  
23 facilities the pharmacy serviced. Respondent City Center Pharmacy Inc.'s acquisition and  
24 possession of these drugs was wholesaler activity.

25 SEVENTH CAUSE FOR DISCIPLINE

26 (Unprofessional Conduct)

27 34. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
28 disciplinary action under Code sections 4301, subdivision (g) in that Respondent City Center

1 Pharmacy Inc. made or signed a certificate or other document that falsely represented the  
2 existence or nonexistence of a state of facts. The circumstances are as follows:

3 35. On or about October 11, 2013, a Board inspector found 33 prescriptions at  
4 Respondent City Center Pharmacy Inc. processed through an insurance plan for a billed quantity  
5 and the patient received a different quantity.

#### 6 EIGHTH CAUSE FOR DISCIPLINE

##### 7 (Duty to Consult)

8 36. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
9 disciplinary action under Code section 4301, subdivision (o), in that Respondent City Center  
10 Pharmacy Inc. failed to comply with Title 16, California Code of Regulations, section 1707.2,  
11 subdivision (b)(1)(A) which requires a pharmacy to provide oral consultation to its patients  
12 whenever the prescription drug has not been previously dispensed to the patient. The  
13 circumstances are as follows:

14 37. On or about October 11, 2013, a Board inspector observed pharmacy technician J. B.  
15 release a prescription for B. T., a new patient to the pharmacy, without offering consultation by a  
16 pharmacist. Throughout the inspection on or about October 11, 2013, there were no observed  
17 requests for consultation from a pharmacist until the pharmacist-in-charge was made aware of the  
18 failure to counsel by the Board inspector.

#### 19 NINTH CAUSE FOR DISCIPLINE

##### 20 (Failure to Produce Required Drug Records)

21 38. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
22 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
23 Center Pharmacy Inc. failed to comply with Code section 4332 when Respondent City Center  
24 Pharmacy Inc. failed to produce required records within a reasonable amount of time. The  
25 circumstances are as follows:

26 39. On or about October 11, 2013, a Board inspector asked Respondent City Center  
27 Pharmacy Inc. to provide all acquisition invoices for methadone 10 mg and oxycodone 30 mg for  
28 June 30, 2011, to February 12, 2013. Respondent City Center Pharmacy Inc. was only able to

1 provide 105 of the 178 invoice records for methadone 10 mg, and 121 of the 196 invoices for  
2 oxycodone 30 mg.

### 3 TENTH CAUSE FOR DISCIPLINE

4 (Failure to Exercise Corresponding Responsibility When Dispensing Controlled Substances)

5 40. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
6 action under Code sections 4301, subdivisions (j) and (o) in that he failed to comply with Health  
7 and Safety Code section 11153 which places a responsibility for the proper prescribing and  
8 dispensing of controlled substances not only upon the prescribing practitioner, but also upon the  
9 pharmacist who fills the prescription. Respondent Steve Lee Boss as pharmacist-in-charge of  
10 Respondent City Center Pharmacy Inc. failed to comply with his corresponding responsibility.

11 The circumstances are as follows:

12 41. Beginning on or about October 10, 2010, and continuing until about October 11,  
13 2013, Respondent Steve Lee Boss as pharmacist-in-charge of Respondent City Center Pharmacy  
14 Inc. dispensed 669 controlled substance prescriptions for Dr. Leong and 151 prescriptions for Dr.  
15 Manougian in cash, many of which were for patients outside of Respondent City Center  
16 Pharmacy Inc.'s normal service area without verifying if they were issued for a legitimate  
17 medication purpose and failed to use industry tools, such as the CURES Prescription Drug  
18 Monitoring Program to verify early/duplicate dispensing for patients who were "doctor shopping"  
19 and/or "pharmacy shopping."

### 20 ELEVENTH CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct - Excessive Furnishing of Controlled Substances)

22 42. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
23 action under Code section 4301, subdivision (d) in that he excessively furnished controlled  
24 substances. The circumstances are as follows:

25 43. Beginning on or about October 10, 2010, and continuing until about October 11,  
26 2013, Respondent Steve Lee Boss as pharmacist-in-charge of Respondent City Center Pharmacy  
27 Inc. dispensed 4,492 prescriptions for hydrocodone/APAP 10/325 mg totaling 505,875 tablets;  
28 2,075 prescriptions of promethazine with codeine totaling 762,955 mls; 2,197 prescriptions for

1 methadone totaling 440,677 tablets; and 1,017 oxycodone 30 mg prescriptions totaling 182,066  
2 tablets.

3 TWELFTH CAUSE FOR DISCIPLINE

4 (Misuse of Education by Pharmacist)

5 44. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
6 action under Code sections 4306.5 in that he inappropriately exercised his education, training or  
7 experience as a pharmacist, and failed to exercise his best professional judgment or  
8 corresponding responsibility when dispensing controlled substances. The circumstances are as  
9 follows:

10 45. Beginning on or about October 10, 2010, and continuing until about October 11,  
11 2013, Respondent Steve Lee Boss as pharmacist-in-charge of Respondent City Center Pharmacy  
12 Inc. dispensed large quantities of prescriptions for hydrocodone/APAP 10/325 mg, promethazine  
13 with codeine, oxycodone 30 mg, and methadone, some from prescribers and patients outside of  
14 the pharmacy service area, for patients with no prior history of narcotic use, for patients using  
15 cash payment methods, and from prescribers without verifying the medical purpose or prescribing  
16 large quantities of highly abused narcotics. The prescriptions for these prescribers far exceeded  
17 the numbers dispensed by neighboring pharmacies for the same prescribers and drugs.

18 THIRTEENTH CAUSE FOR DISCIPLINE

19 (Records of Drug Acquisition and Disposition)

20 46. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
21 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
22 Respondent City Center Pharmacy Inc., he failed to comply with Code section 4081, subdivision  
23 (a), and Code section 4105 which require a pharmacy to account for the records of acquisition  
24 and disposition on the current inventory of dangerous drugs. The circumstances are as follows:

25 47. On or about October 11, 2013, a Board audit revealed that Respondent City Center  
26 Pharmacy Inc. where Respondent Steve Lee Boss was pharmacist-in-charge had a shortage of  
27 5,238 tablets of hydrocodone/APAP 10/325 mg; 77,270 mls of promethazine with codeine; and  
28 3,435 tablets of methadone 10 mg; and an overage of 618 tablets of oxycodone 30 mg tablets.

1 FOURTEENTH CAUSE FOR DISCIPLINE

2 (CURES Reporting)

3 48. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
4 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
5 Respondent City Center Pharmacy Inc., he failed to comply with Health and Safety Code section  
6 11165, subdivision (d) which requires pharmacies to report prescription information for  
7 controlled substances to California Department of Justice CURES Program within 7 days of  
8 dispensing. The circumstances are as follows:

9 49. On or about October 11, 2013, a Board inspector found that Respondent Steve Lee  
10 Boss as pharmacist-in-charge of Respondent City Center Pharmacy Inc. had failed to report 17  
11 prescriptions for controlled substances which were not reported to CURES, and a review of  
12 CURES compliance reports from January 1, 2010, to September 19, 2013, showed the pharmacy  
13 failed to successfully transmit their dispensed controlled substance prescriptions data to CURES  
14 weekly resulting in multiple occasions when controlled substances prescription information was  
15 not reported in a timely manner.

16 FIFTEENTH CAUSE FOR DISCIPLINE

17 (Records of Acquisition of Dangerous Drug)

18 50. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
19 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
20 Respondent City Center Pharmacy Inc., he failed to comply with Code section 4081, subdivision  
21 (a), which states all records of manufacture and of sales, acquisition, or disposition of dangerous  
22 drugs shall be at all times open to inspection and a current inventory shall be kept by every  
23 pharmacy that maintains a stock of dangerous drugs. The circumstances are as follows:

24 51. On or about October 11, 2013, a Board inspector found several boxes at Respondent  
25 City Center Pharmacy Inc. filled with unlabeled dangerous drugs in plastic bags, vials from other  
26 pharmacies, and in bubble packs which had been acquired for destruction from patients and care  
27 facilities the pharmacy serviced. Respondent Steve Lee Boss, as pharmacist-in-charge of  
28 Respondent City Center Pharmacy Inc., did not have records of acquisition for these drugs.

1 SIXTEENTH CAUSE FOR DISCIPLINE

2 (Wholesaler License Required)

3 52. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
4 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
5 Respondent City Center Pharmacy Inc., he failed to comply with Health and Safety Code section  
6 111295 when the pharmacy engaged in wholesale activity without a wholesaler license. The  
7 circumstances are as follows:

8 53. On or about October 11, 2013, a Board inspector found several boxes at Respondent  
9 City Center Pharmacy Inc. filled with unlabeled dangerous drugs in plastic bags, vials from other  
10 pharmacies, and in bubble packs which had been acquired for destruction from patients and care  
11 facilities the pharmacy serviced. Respondent Steve Lee Boss's, as pharmacist-in-charge of  
12 Respondent City Center Pharmacy Inc., acquisition and possession of these adulterated drugs was  
13 wholesaler activity.

14 SEVENTEENTH CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct)

16 54. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
17 action under Code sections 4301, subdivision (g) in that as pharmacist-in-charge of Respondent  
18 City Center Pharmacy Inc., the pharmacy made or signed a certificate or other document that  
19 falsely represented the existence or nonexistence of a state of facts. The circumstances are as  
20 follows:

21 55. On or about October 11, 2013, a Board inspector found 33 prescriptions at  
22 Respondent City Center Pharmacy Inc. processed through an insurance plan for a billed quantity  
23 and the patient received a different quantity.

24 EIGHTEENTH CAUSE FOR DISCIPLINE

25 (Duty to Consult)

26 56. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
27 action under Code section 4301, subdivision (o), in that as pharmacist-in-charge of Respondent  
28 City Center Pharmacy Inc., he failed to comply with Title 16, California Code of Regulations,



1 section 1707.2, subdivision (b)(1)(A) which requires a pharmacist to provide oral consultation to  
2 his/her patients whenever the prescription drug has not been previously dispensed to the patient.

3 The circumstances are as follows:

4 57. On or about October 11, 2013, a Board inspector observed pharmacy technician J. B.  
5 release a prescription for B. T., a new patient to the pharmacy, without offering consultation by a  
6 pharmacist. Throughout the inspection on or about October 11, 2013, there were no observed  
7 requests for consultation from a pharmacist until the Respondent Steve Lee Boss was made aware  
8 of the failure to counsel by the Board inspector.

9 NINETEENTH CAUSE FOR DISCIPLINE

10 (Failure to Produce Required Drug Records)

11 58. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
12 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
13 Respondent City Center Pharmacy Inc., he failed to comply with Code section 4332 when  
14 Respondent City Center Pharmacy Inc. failed to produce required records within a reasonable  
15 amount of time. The circumstances are as follows:

16 59. On or about October 11, 2013, a Board inspector asked Respondent City Center  
17 Pharmacy Inc. to provide all acquisition invoices for methadone 10 mg and oxycodone 30 mg for  
18 June 30, 2011, to February 12, 2013. Respondent City Center Pharmacy Inc. was only able to  
19 provide 105 of the 178 invoice records for methadone 10 mg, and 121 of the 196 invoices for  
20 oxycodone 30 mg.

21 OWNERSHIP PROHIBITION

22 60. Business and Professions Code section 4307, subdivision (a), provides, in pertinent  
23 part that any person who was a manager, administrator, owner, member, officer, director,  
24 associate or partner of a license that has been revoked or is under suspension shall be prohibited  
25 from serving as a manager, administrator, owner, member, officer, director, associate or partner  
26 of a licensee.

27 61. Pursuant to Code section 4307, if discipline is imposed on Original Pharmacy Permit  
28 Number PHY 48981 issued to Respondent City Center Pharmacy Inc., and Respondent Saifuddin

1 Hatim Raniwala while acting as the manager, administrator, owner, member, officer, director,  
2 associate, or partner of Respondent City Center Pharmacy Inc., had knowledge of or knowingly  
3 participated in any conduct for which Original Pharmacy Permit Number PHY 48981, issued to  
4 Respondent City Center Pharmacy Inc. was revoked, suspended or placed on probation,  
5 Respondent Saifuddin Hatim Raniwala shall be prohibited from serving as a manager,  
6 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
7 Original Pharmacy Permit Number PHY 48981, issued to Respondent City Center Pharmacy Inc.  
8 is placed on probation or until Original Pharmacy Permit Number PHY 48981, issued to  
9 Respondent City Center Pharmacy Inc. is reinstated if it is revoked.

#### 10 DISCIPLINE CONSIDERATIONS

11 62. To determine the degree of discipline, if any, to be imposed on Respondent City  
12 Center Pharmacy Inc., Complainant alleges that on or about April 27, 2011, in a prior action, the  
13 Board of Pharmacy issued Citation Number CI 2010 45336 and ordered Respondent to pay fines  
14 totaling \$1,000.00. That Citation is now final and is incorporated by reference as if fully set  
15 forth.

16 63. To determine the degree of discipline, if any, to be imposed on Respondent City  
17 Center Pharmacy Inc., Complainant alleges that on or about July 1, 2013, in a prior action, the  
18 Board of Pharmacy issued Citation Number CI 2012 54945 and ordered Respondent to pay a fine  
19 of \$500.00. That Citation is now final and is incorporated by reference as if fully set forth.

20 64. To determine the degree of discipline, if any, to be imposed on Respondent Steve Lee  
21 Boss, Complainant alleges that on or about April 27, 2011, in a prior action, the Board of  
22 Pharmacy issued Citation Number CI 2010 48044 and ordered Respondent to pay fines totaling  
23 \$2,000.00. That Citation is now final and is incorporated by reference as if fully set forth.

24 65. To determine the degree of discipline, if any, to be imposed on Respondent Steve Lee  
25 Boss, Complainant alleges that on or about July 1, 2013, in a prior action, the Board of Pharmacy  
26 issued Citation Number CI 2012 57269 and ordered Respondent to pay a fine of \$1,000.00. That  
27 Citation is now final and is incorporated by reference as if fully set forth.

28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License Number RPH 50059, issued to Steve Lee Boss;

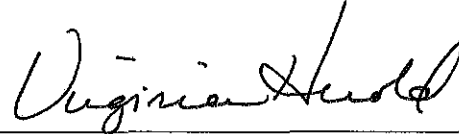
2. Revoking or suspending Original Pharmacy Permit Number PHY 48981, issued to City Center Pharmacy Inc.;

3. Ordering Steve Lee Boss and City Center Pharmacy Inc. to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Prohibiting Saifuddin Hatim Raniwala from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Pharmacy Permit Number 48981, issued to City Center Pharmacy Inc. is placed on probation or until Original Pharmacy Permit Number PHY 48981, issued to City Center Pharmacy Inc. is reinstated if Original Pharmacy Permit Number PHY 48981, issued to City Center Pharmacy Inc. is revoked; and,

5. Taking such other and further action as deemed necessary and proper.

DATED: 4/15/16



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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